

# COHEN & GREEN

Hon. Colleen McMahon, U.S.D.J.  
 United States District Court  
 Southern District Of New York  
 500 Pearl Street, Room 1920  
 New York, NY 10007

September 20, 2024

By Electronic Filing.

Re: DeLuca v. City of New York et al., 23-cv-9726 (CM)

Dear Judge McMahon:

**MEMO ENCL**

I am co-counsel for Plaintiff in the case above. I am writing to ask for two related extensions.

Defendants have served a Rule 68 offer that, with certain complications, Plaintiff would like to accept. The complication is that Plaintiff is a named, proposed class representative in another case, and the wording of the offer may interfere with that case.<sup>1</sup> The parties are attempting to discuss and figure out whether they can reach a resolution that does not impact the other case, and preserves what Defendants intended in the Rule 68 offer.

Thus, in order to discuss that, Plaintiff asks the Court to briefly stay or extend the time to respond to the Rule 68 offer for 14 days.<sup>2</sup> Defendants have graciously indicated that they consent to a brief extension of time to respond to the Rule 68 Offer while the parties discuss this issue.

Second, given this discussion, while Plaintiff's deposition was slated to be completed before other depositions, and by September 30, 2024 (*see* ECF No. 24), the parties ask the Court to allow it to take place before October 31, 2024 instead if the case does not resolve. This is the first such request, and does not impact any other deadline.

As ever, I thank the Court for its time and consideration.

Respectfully submitted,

/s/

J. Remy Green

Honorific/Pronouns: Mx., they/their them

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<sup>1</sup> Neither party has taken a final position on that issue.

<sup>2</sup> Per the Court's Individual Practices: The original deadline is Tuesday, September 24, 2024; there have been no prior extensions (so none were denied or granted); and this extension, on its own, does not impact any other deadline.



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cc:

All relevant parties by ECF.

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